

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THE OFFICIAL COMMITTEE)
OF UNSECURED CREDITORS OF)
ALLEGHENY HEALTH, EDUCATION)
AND RESEARCH FOUNDATION,)
Plaintiff,) 2:00cv684
v.) **Electronic Filing**
PRICEWATERHOUSE COOPERS,)
LLP,)
Defendant.)
Judge David Stewart Cercone
Phase III

HEARING ON MOTION TO APPROVE SETTLEMENT
Before Judge David Stewart Cercone and Judge Judith Fitzgerald

Appear for Plaintiff: James M. Jones, Esquire – The Official Committee
David Swan, Esquire – Liquidating AHERF
Appear for Defendant: Joseph F. McDonough, Esquire
Hearing date: 4/23/13
Hearing begun: 1:00 p.m.
Hearing concluded: 1:40 p.m.
Stenographer: Richard Ford
Clerk/Deputy Clerk: Mark W. Mohney

REMARKS: Court was convened in the above case and in In re AHERF at Bankruptcy Court numbers 98-25773 through 98-25777, with Judge Cercone and Judge Fitzgerald sitting concurrently. The procedure leading to the hearing was summarized. Plaintiff's counsel augmented the record as to the factors guiding the courts' decision and the response received from the notice mailed to all creditors and interested parties. Defense counsel also reiterated and augmented defendant's position in support of approving the proposed settlement. Judge Fitzgerald determined that the developed record supported a finding under the Myers v. Martin, 91 F.3d 389 (3d Cir. 1996), factors that approval of the settlement was appropriate and in the best interest of the AHERF estates. Judge Cercone also concluded that as a matter of fact the proposed settlement was a reasonable and adequate resolution of the claims and potential claims in this case and that the proposed settlement should be entered as a final settlement because it is in the best interest of the AHERF estates. Both Judges signed the "order of settlement approval" which will be docketed in all appropriate cases.

Attorney Swan requested and Judge Fitzgerald agreed to continue the status

conference in the bankruptcy cases scheduled for May 8, 2013. The parties will strive to have the administration of the settlement advanced to a point where the bankruptcy cases can be closed pursuant to an anticipated motion, a hearing on which will be scheduled on May 29, 2013. April 2013 will be Liquidating AHERF's last monthly report, and Liquidating AHERF will strive to have its administration of the pertinent bank accounts in sufficient order as of May 29, 2013, so the anticipated motion to close can be granted at that time.